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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91201411
Party	Defendant Bally Gaming, Inc.
Correspondence Address	BALLY GAMING, INC. BALLY GAMING, INC. 6601 BERMUDA RD LAS VEGAS, NV 89119-3622 pbowsher@ballytech.com
Submission	Answer
Filer's Name	Matthew D. Francis
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Date	10/07/2011
Attachments	Answer to Notice of Opposition.pdf (4 pages)(204763 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 85221570
Published in the Official Gazette on May 3, 2011

BLUBERI JEUX ET TECHNOLOGIES INC. AKA BLUBERI GAMING TECHNOLOGIES INC., Opposer, v. BALLY GAMING, INC. DBA BALLY TECHNOLOGIES, Applicant.	Opposition No. 91201411
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ANSWER TO NOTICE OF OPPOSITION

Applicant Bally Gaming, Inc. dba Bally Technologies (“Applicant”) hereby answers the Notice of Opposition of Opposer Bluberi Jeux et Technologies Inc. AKA Bluberi Gaming Technologies Inc. (“Opposer”) as follows:

1. Admitted to the extent that Opposer is the listed applicant for U.S. Application Serial No. 85285071, filed on April 4, 2011, for the mark HOT SPINS, for the following goods: Software for gaming machines; gaming machines with video output; gaming machines featuring mechanical reels, in International Class 9. Otherwise, denied.
2. Admitted to the extent that Opposer states in paragraph 2 of its Notice of Opposition that it “will also rely on its common law trademark rights resulting from the use in commerce of its HOT SPINS mark on the goods.” Denied that Opposer in fact has such rights, and that any such alleged rights should bar registration of Applicant’s U.S. Application Serial No. 85221570 (“‘570 App.’”).
3. Admitted to the extent that the file history of the ‘570 App. speaks for itself. Otherwise, denied.

4. Admitted that the '570 App. was published for opposition in the *Official Gazette* on May 3, 2011. Otherwise, denied.

5. Denied.

6. Denied.

7. Denied.

8. Denied.

9. Denied.

10. Denied.

AFFIRMATIVE DEFENSES

1. Opposer's Notice of Opposition fails to state a claim upon which relief can be granted.

2. Opposer's claims are barred by the doctrine of laches.

3. Opposer's claims are barred by the doctrine of waiver.

4. Opposer's claims are barred by the doctrine of estoppel.

5. Opposer's claims are barred by the doctrine of acquiescence.

6. Opposer's claims are barred by the doctrine of unclean hands.

7. Applicant has prior and superior rights in its "Hot Spin" Mark, which is the subject of the '570 App.

8. Applicant reserves the right to amend its Answer to allege additional affirmative defenses if subsequent investigation warrants the same.

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WHEREFORE, Applicant prays for dismissal of Opposer's Notice Opposition and granting registration of App. No. 85221570.

Dated: October 7, 2011

Respectfully Submitted,

By: 

Michael D. Rounds
Matthew D. Francis
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Attorneys for Applicant Bally Gaming, Inc.
dba Bally Technologies

CERTIFICATE OF SERVICE

I certify that I am an employee of the Law Offices of Watson Rounds, a Professional Corporation, and on this day I deposited a true and correct copy in the United States mail, first class postage prepaid, of the within document entitled **ANSWER TO NOTICE OF OPPOSITION**, addressed as follows:

Randee Sibul-Gelbert
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Dated: October 7, 2011



An Employee of Watson Rounds